

By: Rinaldi

H.B. No. 1168

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to creating a defense to prosecution for the offense of  
3 resisting arrest, search, or transportation or the offenses of  
4 escape or permitting or facilitating escape.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 38.03(b), Penal Code, is amended to read  
7 as follows:

8 (b) It is a [~~no~~] defense to prosecution under this section  
9 that the arrest or search was unlawful.

10 SECTION 2. Section 38.08, Penal Code, is amended to read as  
11 follows:

12 Sec. 38.08. EFFECT OF UNLAWFUL CUSTODY. It is a [~~no~~]  
13 defense to prosecution under Section 38.06 or 38.07 that the  
14 custody was unlawful.

15 SECTION 3. The change in law made by this Act applies only  
16 to an offense committed on or after the effective date of this Act.  
17 An offense committed before the effective date of this Act is  
18 governed by the law in effect on the date the offense was committed,  
19 and the former law is continued in effect for that purpose. For  
20 purposes of this section, an offense was committed before the  
21 effective date of this Act if any element of the offense occurred  
22 before that date.

23 SECTION 4. This Act takes effect September 1, 2015.